

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
In the Matter	:	Chapter 7
	:	Case No. 21-10699 (DSJ)
-of-	:	
	:	
KOSSOFF PLLC,	:	
	:	
	:	
Debtor.	:	
-----	X	
	:	
ALBERT TOGUT, Not Individually but Solely	:	
in His Capacity as Chapter 7 Trustee of the	:	
Estate of Kossoff PLLC,	:	
	:	Adv. Pro. No. 22-01141 (DSJ)
Plaintiff,	:	
	:	
v.	:	
	:	
BURTON KOSSOFF TESTAMENTARY	:	
TRUST,	:	
ERNEST PEREVOSKI,	:	
TERRI ABBEY,	:	
HUI-FONG LEE,	:	
JOHN BOSWELL,	:	
EQUITY TRUST COMPANY,	:	
PETER XENOPOULOS,	:	
P. XENOPOULOS REALTY, LLC,	:	
PHYLLIS KOSSOFF,	:	
RONNY MINTZ, and	:	
CHALRON ENTERPRISES LTD.,	:	
	:	
Defendants.	:	
-----	X	

-----X	:	
ALBERT TOGUT, Not Individually but Solely	:	
in His Capacity as Chapter 7 Trustee of the	:	
Estate of Kossoff PLLC,	:	
	:	Adv. Pro. No. 22-01146 (DSJ)
Plaintiff,	:	
	:	
v.	:	
	:	
PAMELA KOSSOFF, in her capacity as	:	
Executor of the Estate of Phyllis Kossoff,	:	
	:	
Defendant.	:	
-----X		

**ORDER DENYING MOTION BY  
MITCHELL H. KOSSOFF TO BE JOINED AS A REQUIRED PARTY**

On November 9, 2022, Mitchell H. Kossoff (“Kossoff”) filed a motion for an order directing him to be joined as a required party in the above captioned adversary proceedings pursuant to Rule 19 of the Federal Rules of Civil Procedure, made applicable to adversary proceedings pursuant to Rule 7019 of Federal Rules of Bankruptcy Procedure [Main Case, ECF No. 440] (the “Motion”); and the Court having considered the Motion and all of the pleadings filed in connection with the Motion, including: the *Trustee’s Objection to Mitchell Kossoff’s Request to be Recognized as a Required Party* [Main Case, ECF No. 474] (the “Trustee’s Opposition”),<sup>1</sup> the *Reply In Support of Rule 19 Motion* [Main Case, ECF No. 475], and Kossoff’s *Letter to Judge Jones*, dated January 5, 2023 [Main Case, ECF No. 478]; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C § 157(b); and it appearing that venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and upon all prior pleadings and proceeding had herein and the record of the hearing held on January 19, 2023 (the “Hearing”) during which the Court heard Kossoff, pro se, and Albert Togut, the Chapter 7 Trustee and plaintiff herein, by his attorneys, Togut, Segal & Segal LLP;

<sup>1</sup> The Trustee’s Opposition also appears on the dockets of the above-captioned adversary proceedings at 22-ap-01141 [ECF No. 23] and 22-ap-01146 [ECF No. 16].

**IT IS HEREBY ORDERED:**

1. For the reasons set forth on the record of the Hearing, the Motion is **DENIED**.
2. This Order is without prejudice to Kossoff's right to file a motion before this Court, supported by appropriate documentary evidence, for joinder or substitution in the above-captioned Adversary Proceeding No. 22-01141 (DSJ) in connection with Kossoff's interest, if any, regarding defendant Burton Kossoff Testamentary Trust.
3. The terms and conditions of this Order shall be effective immediately upon its entry.
4. The Trustee shall mail a copy of this Order to Kossoff not later than two (2) business days after the date of entry hereof.
5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED: New York, New York  
January 20, 2023

s/ David S. Jones  
HONORABLE DAVID S. JONES  
UNITED STATES BANKRUPTCY JUDGE